Report following a request for further information or negotiation

REF NO: **P/125/14/PL**

LOCATION: 251 Pagham Road & Land R/O Pagham

PROPOSAL: Demolition of existing dwelling & ancillary buildings & erection of 40 no. dwellings with associated access, car parking, cycle & refuse storage, hard & soft landscaping & amenity space. This application is a Departure from the development plan

This report was deferred from the meeting on the 21st October 2015 to address the following issues:

* plots 32 and 40 and the separation distance between them and the existing properties in Pagham Road, together with the lack of boundary treatment;
* the loss of on-street car parking;
* the need for further consultation with County Highways with regard to the problems associated with vehicular traffic through the village;
*the effect of the proposal on the listed building at the Inglenook Hotel; and
*clarification of the views of the Historic Buildings Officer.

The following report has been amended in many respects since the previous agenda and includes two additional conditions (nos. 14 & 22).

REPORT UPDATE

Application No: P/125/14/PL

Reason for the Update / Changes

This report was deferred from the meeting on the 21st October 2015 to address the following issues:

* plots 32 and 40 and the separation distance between them and the existing properties in Pagham Road, together with the lack of boundary treatment;
* the loss of on-street car parking;
* the need for further consultation with County Highways with regard to the problems associated with vehicular traffic through the village;
*the effect of the proposal on the listed building at the Inglenook Hotel; and
*clarification of the views of the Historic Buildings Officer.

In response to Members comments and the comments of Parish Council representatives present at the Committee meeting, the proposals have been amended to incorporate the following changes:

* In consultation with the Local Highway Authority, 4 additional visitor parking spaces have been provided close to the site access in order that they are available for wider public use. A condition is proposed to agree the details of these spaces to ensure that they are promoted to the wider public;
* Increased the separation distance between the dwellings on plots 33 and 40 and the eastern boundary, together with the intervening area of car parking;
* Enhanced the boundary treatment and landscaping along the eastern edge of the site; and
* Amended the design of the Plot 1 dwelling in consultation with the Council's Historic Buildings Advisor.

It should also be noted that there is now no longer a proposed link between this site and the site to the south (Ref P/58/15/OUT). This is due to the fact that the drainage ditch located between these two sites is outside the ownership of either party and that despite a thorough search, the 3rd party owner cannot be established. Both the Parish Council and WSCC Highways have stated that there is no objection to the lack of a vehicular link between the two sites.

However, both applicants have agreed, subject to Arun District Council procuring a Compulsory Purchase Order (CPO) for the crossing of the ditch, to provide footpath links between their respective road layouts and the ditch. Assuming that the Council is able to purchase the relevant section of the ditch, this will then enable a pedestrian link to be provided between the two sites.

The following report has been amended in several places and includes two additional conditions. No. 14 requires approval of the details of the additional 4 visitor spaces in order to ensure that they are promoted for use by the general public. Condition 22 requires approval of boundary treatments.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

Recommendation Report for Planning Permission

REF NO: **P/125/14/PL**

LOCATION: 251 Pagham Road & Land R/O
Pagham

PROPOSAL: Demolition of existing dwelling & ancillary buildings & erection of 40 no. dwellings with associated access, car parking, cycle & refuse storage, hard & soft landscaping & amenity space. This application is a Departure from the development plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

40 dwellings:- 2 x 1 bed houses; 4 x 1 bed bungalows; 13 x 2 bed houses; 6 x 2 bed apartments (within a two storey building); 11 x 3 bed houses; 2 x 4 bed 2.5 storey townhouses; 1 x 3 bed 2.5 storey townhouse; and 1 x 4 bed house.

12 of the 40 dwellings will be affordable and these are the 6 apartments, the 4 x 1 bedroom bungalows and 2 of the 2 bed houses. These are located in the south part of the site close to the public open space (POS).

POS is provided in two areas comprising of 0.225ha adjacent to the west boundary and a smaller 0.0184ha area opposite & adjacent to the north boundary. The larger area includes several retained trees and a new 100m2 play area. A number of trees are retained including all three protected trees. The scheme includes an area of land totalling 0.1750ha as a reptile translocation area which situated alongside the ditch and the boundaries with Brooks End/239-249 Pagham Road.

The application utilises the existing access and provides a tactile paving pedestrian drop crossing across the access. The existing 3 space layby parking to the south of the access will need to be removed to make way for a pedestrian footway. This will be achieved by way of a WSCC Traffic Regulation Order for which a £6,000 contribution is required.

92 parking spaces are proposed. All the

dwellings have 2 allocated spaces each except for the 1 bed houses numbered 38 & 39 which have 1 each. 14 visitor spaces are included.

The plans also detail traffic calming measures, bin collection points, bin stores/cycle stores for the apartment building, garages and new tree/hedge planting.

Since the application was last considered by the Committee, in response to Members comments and the comments of Parish Council representatives present at the Committee meeting, the proposals have been amended to incorporate the following changes:

* In consultation with the Local Highway Authority, 4 additional visitor parking spaces have been provided close to the site access in order that they are available for wider public use. A condition is proposed to agree the details of these spaces to ensure that they are promoted to the wider public;
* Increased the separation distance between the dwellings on plots 33 and 40 and the eastern boundary, together with the intervening area of car parking;
* Enhanced the boundary treatment and landscaping along the eastern edge of the site; and
* Amended the design of the Plot 1 dwelling in consultation with the Council's Historic Buildings Advisor.

Members should note that that there is no longer a proposed link between this site and the site to the south (Ref P/58/15/OUT). This is due to the fact that the drainage ditch located between these two sites is outside the ownership of either party and that despite a thorough search, the 3rd party owner cannot be established. These issues are elaborated upon elsewhere in this report but the proposed Section 106 legal agreement will now include the following additional provisions:

(a) The developer will grant a pedestrian right of way via a footpath on the site to the application site boundary, subject to Arun

	District Council (ADC) procuring a Compulsory Purchase Order (CPO) for crossing the ditch; (b) The developer will provide a footpath across the safeguarded area, subject to ADC procuring a CPO for crossing the ditch; and (c) The developer will grant construction access rights for the Council to use the site access road for construction access, subject to ADC procuring a CPO for crossing the ditch. The following has been amended in and includes two additional conditions. No. 14 requires approval of the details of the additional 4 visitor spaces in order to ensure that they are promoted for use by the general public. Condition 22 requires approval of boundary treatments.
SITE AREA	1.4 Hectares.
RESIDENTIAL DEVELOPMENT DENSITY	28.6 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are a number of trees within and adjacent to the site. The majority of those within the central areas are fruit trees. There are larger non-fruit trees close to the north and west boundaries. Tree Preservation Orders have been served on three trees on the site. TPO/P/1/15 refers to 1 Ash Tree (referenced within the application as T28) located adjacent to the drain and proposed to be within the Public Open Space (POS). TPO/P/2/15 refers to 2 Poplar Trees (referenced within the application as T29 & T32) located adjacent or close to the north boundary. These are proposed to be retained.
BOUNDARY TREATMENT	Various - hedges, ranch style fencing, drainage ditch, close boarded fencing. The boundaries to 8 & 9 Brooks End are formed by approximately 2m high close boarded fencing supplemented by existing tree planting within the site (which is to be retained). The rear boundaries of 239-249 Pagham Road are relatively low (around 1m) and open. Some of these properties have created unauthorised accesses into the site.

SITE CHARACTERISTICS	Roughly L shaped and includes 251 Pagham Road, a two storey dwelling. This property comprises of three single storey outbuildings, two of which have pitched roofs and are situated to the north of the dwelling. The third is a flat roofed former shop building to the front. There is residential garden to the rear and then a large amount of additional land to the west formerly used for horticultural purposes (for sale in the shop) and the grazing of animals. There are three dilapidated greenhouses on the land as well as a number of fruit trees. Much of the land is littered with grassed tufts. The site access is from Pagham Road between 251 and the Inglenook Hotel. There are 2 on street layby spaces on the site frontage.
CHARACTER OF LOCALITY	The site is bordered by residential properties & a public house/hotel fronting Pagham Road; by grazing land with a residential mobile home park beyond to the north & north-east; grazing land to the south with residential properties beyond which front onto Summer Lane; and open farmland to part of the western boundary. Nos. 239-249 Pagham Road to the east are two storey properties with west facing principal windows and rear gardens. The two Brooks End dwellings that border the site do so with their flank walls and these elevations do not contain any principal windows. There are rear elevations of mobile homes totalling around 10-12m of the far west boundary.

RELEVANT SITE HISTORY

PAA/43/13/	Pre-application advice for the scheme for the 1.94 hectare site proposes 45 dwellings, car parking and associated works.14 of the dwellings would be affordable, comprising 30% of the total.0.26 hectares of public open space has been incorporated into the scheme.	Approve Pre App 11-06-2013
PAA/48/14/	Proposed 43 dwellings and associated car parking, landscaping and public open space(revised from previous pre -app submission under reference PAA/43/13)	Refuse Pre App 28-04-2014

The site has been subject to previous pre-application enquiries. PAA/43/13 proposed 45 dwellings and was considered to be acceptable on the basis that the Council could not demonstrate a 5 year housing land supply and that site is sustainable. PAA/48/14 proposed 45 dwellings but was considered to be unacceptable on the basis that the site was outside of the built-up area boundary and the Council could at that time demonstrate a 5 year housing land supply.

P/58/15/OUT refers to the land to the south of this site and the other half of draft Neighbourhood Plan policy 2. This is described as: "Outline application with some matters reserved for the erection of 90 No. dwellings with associated access & open space. This is a Departure from the Development Plan."

REPRESENTATIONS

Representations received:

Pagham Parish Council

Pagham Parish Council

Pagham Parish Council

Pagham Parish Council

ORIGINAL COMMENTS:

"Pagham Parish Council objects to this application. After two consultation meetings with the developers there is still no landscape buffering or reptile (slow worms and grass snakes) translocation zones to the rear of the properties in Pagham Road as required by the neighbourhood plan master planning. Further, we would question the swept path analysis into and out of the site based on the current roadside parking arrangements opposite. Neighbourhood plan negotiations requested a significant number of public car park space be included at the junction of Pagham Road and regrettably these seem to have been deleted. This is particularly relevant as existing layby spaces will be lost due to this development in an area already severely lacking in parking facility. We would also question the receiving ditch system, which does not appear to be connected to any outflow. We believe the SUDS need to be closely investigated by the District Council's engineers."

The Pagham Neighbourhood Plan Steering Group objected in April 2015 raising the following:

* The Neighbourhood Plan (NP) has been developed in consultation with both Orchard and Hanbury and it is a great concern that Orchard Homes have put in a premature application;
* The application is for a higher density than agreed in the draft NP;
* On the other hand, Hanbury have agreed to the design principles in the NP; and
* It is disappointing that Orchard have not spoken to Hanbury regarding site drainage.

18 letters and 1 petition (6 names) of objection. 9 letters and the petition were submitted to the initial plans:

* The application is premature & cannot be considered until the Neighbourhood Plan is adopted;
* No appropriate traffic calming scheme on this section of Pagham Road - this should be addressed before increasing the volume of traffic;
* Greenfield site;
* Impact on nature conservation value of the site;
* Impact on Grade II listed Nyetimber House;

* Impact on landscape from the new houses and also buffer planting;
* Flood risk from backing up of the existing ditch system;
* Inadequate Flood Risk Assessment;
* Loss of trees;
* Loss of 3 layby parking spaces on Pagham Road;
* Existing congestion made worse by regularly used bus stop opposite & Tesco delivery vehicles;
* Noise/disturbance, light (from streetlights) & air (exhaust fumes/BBQ smells) pollution;
* Loss of light & privacy to existing properties;
* Surrounding routes are not safe for use by cyclists;
* Drainage report uses an unusually high discharge rate of 15 litres per second;
* Tree Survey not carried out at the optimal time; and
* Inadequate Ecology Survey particularly in respect that the drainage ditch is not totally dry.

Following a second consultation on the amended plans, a further 9 letters of objection were received:

* Impact on existing traffic congestion at the junction of the access & Pagham Road;
* Loss of a historic building (251 Pagham Road);
* Design of houses is out of character with the historic setting;
* Drainage of the site could result in localised flooding;
* The application is premature & cannot be considered until the Neighbourhood Plan is adopted;
* There must be two-way access into the adjacent site;
* Light pollution from street lighting;
* No suitable screening to neighbouring properties and any proposed screening would result in a loss of light;
* Parking spaces too close to boundaries of the Pagham Road dwellings;
* Loss of 3 layby parking spaces on Pagham Road;
* Existing congestion made worse by regularly used bus stop opposite & Tesco delivery vehicles;
* Noise/disturbance & air (exhaust fumes/BBQ smells) pollution;
* Loss of privacy to existing properties;
* Surrounding routes are not safe for use by cyclists;
* Drainage report uses an unusually high discharge rate of 15 litres per second;
* Tree Survey not carried out at the optimal time; and
* Inadequate Ecology Survey particularly in respect that the drainage ditch is not totally dry.

COMMENTS RECIEVED SINCE THE APPLICATION WAS DEFERRED:

Pagham Parish Council submitted a further letter on 22 October 2015 as a follow-up to the Committee Meeting; this is summarised below:

* Whilst the Neighbourhood Plan allocates the site for 35 dwellings, having regard to the pressure from Government on Planning Authorities to increase house building, no formal objection is raised to the number of dwellings proposed.

* Parish Council members present at the meeting were approached by the Developers representative whereby a willingness to incorporate a number of modifications to address concerns was apparent. Those modifications were as follows:

(1) Improvements to width, height and density of landscaping & translocation buffer to the

rear of the dwellings in Pagham Road;
(2) Revised layout to include compensatory public parking;
(3) Commitment to provide a shared access to the adjoining land to be secured by condition;
(4) Negotiation with ADC Engineers in respect of proposed SUDS ditch; and
(5) Consideration of disposal of foul sewage to Pagham Road as proposed, having regard to seasonal surcharge and subsequent overflows.

* The comprehensive consideration of both the current application site and that which adjoins is of importance to ensure satisfactory infrastructure is delivered.

* The comments of the Vice-Chairman in terms of heritage were noted - some alterations to the materials would provide the improvement necessary.

Pagham Parish Council also submitted comments on the 4th of February. These stated that:

"Representatives of the Neighbourhood Plan Steering Committee and Parish Council were invited to meet with ADC Planning Officers and Natural England representatives on 21st January 2016. This meeting resulted in a commitment on the part of Natural England to endorse the conjoined development Hanbury/Orchard at 251 Pagham Road/Summer Lane, and to write a supporting letter having regard to the agreed mitigation requirements. The Neighbourhood Plan is therefore proceeding through Regulation 16 towards referendum and full adoption in accord with the revised ADC timetable (Final cost £56k).

At the Parish Council meeting of 2nd February 2016, members resolved to press for determination of both applications at the earliest convenience. The Neighbourhood Plan team (after 4 ½ years of volunteer input) had always promoted the delivery of this development package in accord with the parish consultation process. We believe that the shared road access central to the site should be a feature stipulated by condition and that it should be unfettered and adoptable, but, in accord with WSCC Highways acceptance that a single, Summer Lane, access to the Hanbury site did not provide any reason for their objection, the Parish Council recognizes that it should not insist upon the former if in any way that would delay or inhibit ADC approval.

We acknowledge that site drainage (SUDS) is a straightforward matter for Hanbury, but have recommended specific supervision of the Orchard system by ADC engineers.

For the avoidance of doubt, we would confirm that the Parish Council is fully supportive of these two developments and, irrespective of the content of this letter, would wish to see no encumbrance to an early determination by the Planning Authority."

Comments on Representations received:

Although Pagham Parish Council state that they would like there to be a vehicular access link between the two adjoining sites, they do not want the proposed developments held up unnecessarily if this is not achievable. They are also supportive of the amendments made to the scheme following the deferral by members at the 22-10-15 Meeting.

The issues raised by residents are considered in the "Conclusions" or "Comments on Consultations" sections. The following additional comments are made:

* It is not considered that the potential for odour pollution from BBQ's is a material planning issue; and
* Regardless of whether surrounding routes are safe enough for use by cyclists, it is clear that cyclists are able to use surrounding routes and will be able to access/egress the site.

CONSULTATIONS

Engineering Services Manager
Highways Agency
WSCC Strategic Planning
Natural England
Sussex Police-Community Safety
Planning and Housing Strategy
Engineers (Fluvial Flooding)
Environmental Health
Listed Building Officer
Parks and Landscapes
Arboriculturist
Environment Agency
NHS Coastal West Sussex CCG
WSCC Strategic Planning
WSCC Strategic Planning
Environmental Health
Engineers (Fluvial Flooding)
Ecology Advisor
Archaeology Advisor
WSCC Strategic Planning
Planning and Housing Strategy
Parks and Landscapes
Surface Water Drainage Team
Sussex Police-Community Safety
Natural England
Listed Building Officer

Consultations responses received:

NATURAL ENGLAND: No objections. Comments in full can be read on the Councils website but in summary:

Natural England supports the proposed on-site mitigation measures (public open space) but would like to also see the inclusion of (1) an on-site dog walking route; and (2) an on-site dog off lead exercise area. Recommend additional off-site mitigation measures in the form of a financial contribution towards the following:

* Provision of a part-time, all year round warden post (to be provided in perpetuity and in place prior to first occupation of homes);
* Delivery of access management, education and interpretation;
* Signage; and
* Monitoring.

Also requested additional information in support of the submitted Habitat Regulations Assessment including an assessment of the impact on habitats that support the Special Protection Area (SPA) - for example arable land in the Pagham area frequented by Brent Geese.

A follow-up response stated that: "Natural England has previously commented on this proposal

and made comments to the authority in our letter dated 01 June 2015 (Our Ref: 143209). The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal."

ENVIRONMENT AGENCY: No comments - "Amendments to the Development Management Procedure Order (DMPO) came into effect on 15th April 2015. As a result we are no longer a statutory consultee on this application and we therefore have no comments to make."

HIGHWAYS AGENCY: No objection.

SUSSEX POLICE: No objection - make a number of advisory comments on the scheme.

WEST SUSSEX COUNTY COUNCIL (WSCC) HIGHWAYS: No objection subject to conditions and a contribution towards a Traffic Regulation Order (TRO).

Comments in full can be read on the Councils website (version dated 24/09/15) but in summary:

* No concerns with the access in respect of width, visibility splays and the distance between the junction and the proposed tabletop to the west;
* No concerns with footways within the site;
* Agree with the removal of the layby in order to ensure the required visibility splay;
* No concerns with road widths generally;
* Require a non-adoption of roads clause in the S.106 legal agreement - this is in part due to the use of permeable paving;
* Agree with the proposed traffic calming measures;
* No concerns with swept path analyses/waste collection proposals;
* No concerns regarding access by a Fire Engine; and
* Consider that the location of some visitor parking spaces is not ideal (for example those to the west of plot 11) but do not consider that this will lead to any obstruction of the highway.

WSCC Highways have also been consulted informally on the 4 additional visitor parking spaces and raised no objection to these minor changes.

WSCC Highways have also stated in respect of the adjoining scheme (Ref P/58/15/OUT) that the link into the Orchard Homes development (the application site) was only ever suggested as an indicative/potential future access to be considered at a later stage. It makes no difference to the 90 dwellings presently under consideration whether this link is provided or not as these were always indicated to be served from Summer Lane.

WSCC INFRASTRUCTURE: No objection.

Require contributions in respect of (1) Primary Education - £92,850; (2) Secondary Education - £99,928; (3) 6th Form Education - £23,409; (4) Libraries - £12,054; (5) Fire & Rescue - £1,093; and (6) the on-site provision of 2 hydrants.

WSCC SURFACE FLOOD RISK MANAGEMENT: No objection.

State that there is a low risk of surface water flooding on the site but a high risk of ground water flooding. The site is within Flood Zone 1 but is also 200m from the edge of a Flood Zone 3 (this being to the west of the adjacent mobile home park). Also comment that the ditch will need to

be maintained in the future. Recommend that a SUDS scheme be the requirement of a condition.

A follow-up response stated that: "Original comments submitted 17/09/2015 still current. Nothing further to add."

WSCC ARCHAEOLOGY: No objection

Comments in full can be read on the Councils website but in summary, they recommend a condition in respect of a programme of investigation.

Chichester District Council (CDC) ARCHAEOLOGY: No objection.

"Agree with the comments of the Principal Archaeologist for West Sussex County Council. I therefore recommend standard condition ARC 1".

CDC ECOLOGY: No objection.

Comments in full can be read on the Councils website but in summary:

Bats - require conditions in respect of (1) ensuring that the proposed mitigation measures are implemented; (2) that a licenced ecologist is present on site during all demolition works to the house; and (3) ensuring that the lighting scheme considers light impacts on bats.

Reptiles - request a condition to ensure that the proposed mitigation measures are implemented. State that no works can commence until the reptile translocation has taken place.

Badgers - request a condition to ensure that a badger survey is carried out prior to commencement of any site works.

Recreational Disturbance - require that the developer contribute via a S.106 to avoidance/mitigation measures in respect of the Pagham Harbour SPA.

ARUN DISTRICT COUNCIL (ADC) HISTORIC BUILDINGS ADVISER: No objection. Previously objected to the scheme but following changes made to the design of Plot 1, has stated that the previous objection can now be withdrawn.

ADC GREENSPACE: No objection.

Comments in full can be read on the Councils website (version dated 16/09/15) but in summary:

* Open Space - The Public Open Space (POS) requirement is 2304m2 and the proposed POS exceeds this. Comment that the amended scheme results in a much better layout with a more useable central POS. A management plan would be sought for the forward maintenance of the public open space, detailing regime and responsibility or commuted sum should it to be adopted by the local Authority.
* Play - the development size triggers the need for an on-site local area play (LAP)
* Landscape - No significant concerns. Recommend imposition of a landscaping condition.

ADC ARBORICULTURALIST: No objection.

The submitted comments make a number of recommendations in respect of the trees/groups of trees mentioned in the submitted tree survey. These include pruning works, felling or protection. Request conditions in respect of crown reductions, crown cleaning, crown lifting, supervision of protective fencing and removal of any roots above 25mm in diameter.

ADC DRAINAGE ENGINEERS: No objection.

"The applicant states that surface water will be discharged to ditches/watercourses via permeable pavements. The system must store the 1 in 100 year storm event plus 30%. The system as proposed allows for greater discharge rates than the pre-development rates. A detailed design should show how roofs etc are drained and also include levels and construction details for structures. Infiltration should be utilised at the parts of the site where infiltration rates were good. Flood flow routes should be shown on the plans, and also how is surface water prevented from draining onto Pagham Road? Please apply standard conditions ENGD2A, ENGD4A, ENGD5A and ENGD6A."

A subsequent response following a site visit highlighted that the ditch needs significant clearance work to ensure that it has capacity for a new development to drain into, and also that further investigation is required off-site. It was also stated that it needs to be confirmed that the water coming off of the proposed development would not cause backing up or flooding of the ditch, and that the system it drains to will be able to cope with the runoff.

A final comment received on 01/10/15 states that that an informative can be used to relay the above information to the developer and that the investigation work will be required as part of the condition discharge process.

ADC AFFORDABLE HOUSING: No objection.

"My previous comments are still relevant for this revised application in respect of an affordable housing proportion of 30% (12 units) with a tenure split of 9 x rented and 3 x intermediate housing. The Council has a high requirement for 2 bed dwellings for rented affordable housing, we would not support 3 or 4 bed dwellings."

ADC ENVIRONMENTAL HEALTH: No objection.

An initial response raised concerns as to noise impacts on proposed houses from the existing Inglenook Hotel in particular from the boiler unit extract, kitchen ventilation extract, other vents and noise from use of the gardens. Requested an acoustic report.

A follow-up response stated that: "Based on the latest acoustic report submitted, I agree with the wording of your non-standard condition (no. 32) and think it is appropriate for this application."

Comments on Consultation responses:

In respect of the objection by the Council's Historic Buildings Adviser, the applicant was made aware of these comments and submitted a revised Landscape & Visual Impact Assessment and has amended plot 1 in consultation with the HBA. The HBA has subsequently lifted their objection to the proposal.

Natural England had requested the submission of further information to support the submitted Habitats Regulations Assessment (HRA). The applicant has submitted the information and

Natural England's further comments confirm that they have no objection to the application.

POLICY CONTEXT

Designations applicable to site:

Outside of the Built Up Area Boundary;
Flood Zone 1;
Class C Road; and
TPO Refs TPO/P/1/15 & TPO/P/2/15.

It should also be noted that nos. 247 Pagham Road (Nyetyimber House) & 253-255 Pagham Road (The Inglenook Hotel) are both Grade II Listed Buildings.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV17	Affordable Housing
	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN15	Cycling and Walking
	GEN18	Crime Prevention
	GEN20	Provision of Public Open Space within New Development
	GEN29	Nature and Conservation Across the District
	GEN32	Noise Pollution
	GEN34	Air Pollution
Publication Version of the Local Plan (October 2014):		C SP1 Countryside D DM1 Aspects of Form and Design Quality D DM3 External Space Standards D SP1 Design ECC SP2 Energy and climate change mitigation ENV DM1 Designated sites of biodiversity or geological importance ENV DM2 Pagham Harbour ENV DM4 Protection of Trees ENV DM5 Development and Biodiversity ENV SP1 Natural Environment H DM1 Housing Mix HER DM1 Listed Buildings HER SP1 The Historic Environment H SP2 Affordable Housing OSR DM1 Open Space, Sport and

Recreation
QE DM1 Noise Pollution
QE DM3 Air Pollution
SD SP2 Built-Up Area Boundary
INF SP1 Infrastructure provision and implementation
T DM2 Public car parks
TEL SP1 Strategic delivery of telecommunications infrastructure
T SP1 Transport and Development
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
XXX6	Interim Affordable Housing Policy

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them

will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

In December 2014, the Pagham Neighbourhood Plan was withdrawn from examination process to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site. This work has been completed and the Neighbourhood Plan will commence a 6 week Regulation 14 pre-submission consultation & publicity process on 02 October 2015.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

Policy 2 of the draft Pagham Neighbourhood Plan is considered to be a material consideration in the determination of this application.

CONCLUSIONS

PROPOSAL:

The application proposes 40 dwellings (of which 12 will be affordable), 0.2434 hectares of public open space including a play area and an additional 0.1750 hectares as a reptile translocation area. 92 parking spaces will be provided and the application will make changes to the existing access off Pagham Road which will result in the loss of 5 existing layby parking spaces.

To off-set the loss of existing on-street parking spaces, since the application was last reported to the Committee, the applicant has revised the layout to incorporate 4 additional visitor parking spaces. A condition is proposed to agree the details of these spaces to ensure that these are promoted to the wider public. The applicant has also confirmed in respect of a potential future pedestrian link into the adjoining site, that:

(a) The developer will grant a pedestrian right of way via a footpath on the site to the application

site boundary, subject to Arun District Council (ADC) procuring a Compulsory Purchase Order (CPO) for crossing the ditch;
(b) The developer will provide a footpath across the safeguarded area, subject to ADC procuring a CPO for crossing the ditch; and
(c) The developer will grant construction access rights for the Council to use the site access road for construction access, subject to ADC procuring a CPO for crossing the ditch.

These provisions will be included within the Section 106 legal agreement.

PLANNING HISTORY:

This site has been subject to two separate pre-application enquiries with the most recent one (April 2014) being refused on the grounds that the site lies in the countryside and that there was no pressure to permit development outside of the built up area boundary.

An outline application has been lodged in respect of the larger site to the south (Ref P/58/15/OUT).

PRINCIPLE:

The site lies in a countryside location outside the built-up area boundary where the principle of development is considered to be unacceptable. Development Plan policies seek to exert strict control over development in the countryside to protect it for its own sake. Development will only be permitted where there is a strong justification for a countryside location. The Government's advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and where possible enhanced.

Arun District Local Plan policies GEN2 and GEN3 seek to focus development within built up areas however these boundaries have reduced weight as they are time expired since they do not relate to housing provision beyond 2011.

The Arun Local Plan 2011-2031 Publication Version reflects the need to provide housing on land outside of the defined built up areas. It sets out allocations for future housing for Parish and Town Councils that they should bring forward over the plan period. Policy H SP1 of the Plan requires Neighbourhood Plans to bring forward proposals for housing delivery.

In December 2014, the Pagham Neighbourhood Plan was withdrawn from the examination process in order to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site. This work has now been completed and the Neighbourhood Plan will commence a 6 week Reg 14 (pre-submission consultation & publicity) period on 02 October 2015.

Policy 2 of the Draft Pagham Neighbourhood Plan identifies the application site and the neighbouring land to the south for the delivery up to 125 dwellings in the period of 2014 - 2019.

Given the stage of preparation of the Neighbourhood Plan and that the proposed site forms part of a site allocated for housing within the Plan, it is considered that the draft Plan and its policies can be a material decision.

The Council is currently unable to demonstrate a 5 year National Planning Policy Framework

compliant supply of housing and with the current objectively assessed housing need for the District at 845 dwellings per year and completions below the required rates, it is clear that housing supply needs to be maintained. This means that the Council should not be refusing applications for development outside of the built up area boundary solely on the grounds of principle.

This site lies in a sustainable location close to shops, services and existing communications routes and is physically and visually connected to the existing built up area to the east.

It is considered that the application is acceptable in principle despite being located on a greenfield site outside of the built up area boundary. It will be assessed against normal development control criteria and regard will be had to the draft Neighbourhood Plan Policy 2.

PAGHAM NEIGHBOURHOOD PLAN:

Policy 2 of the draft Pagham Neighbourhood Plan states that:

"The Neighbourhood Plan allocates the following sites for low density housing development, as shown on the Proposals Map, subject to the development principles outlined:

(i) up to 90 dwellings on Land off Summer Lane, comprising a mix of 2,3 and 4 bed bungalows and houses, to be delivered in the period 2014 - 2019, provided the scheme ..... (this part of the policy is not relevant to this site).

(ii) approximately 35 dwellings on Land south of Inglenook Hotel - comprising a mix of 1, 2, 3 and 4 bed bungalows and houses, to be delivered as part of the comprehensive scheme with development in parallel on both sites subject to the implementation of the link road at the commencement of the developments, provided the scheme:

a. makes provision for contributions towards the agreed Strategic Approach to Access Management at Pagham Harbour;
b. makes an appropriate financial contribution to Pagham's Accessible Natural Open Green Space (ANOGS) shown on Inset Map 2 as the hashed area south of Summer Lane and provides open space or green infrastructure with recognised qualities within the development area that links to the ANOGS;
c. demonstrates that locally valued and important habitats, including wildlife corridors and stepping stones will be retained and sympathetically incorporated into its public open space scheme that lies in close proximity to a Biodiversity Opportunity Area (as defined on the Arun Local Plan Proposals Map) and that any disturbance to habitats of the adjoining development scheme will be minimised;
d. layout allows for road, footpath and cycle connectivity to the adjoining land off Summer Lane site; and
e. makes provision for a ground floor unit for a village centre use at the entrance to the site from Pagham Road and makes provision for off-street public car parking as part of the village centre.

(iii) provision is made by one or both the allocated sites in this comprehensive scheme for a total of at least 30 extra care dwellings to be restricted to occupation by older households.

(iv) planning applications must include a flood risk assessment to demonstrate how a scheme will not increase pluvial or fluvial flood risk on any adjoining land, to the satisfaction of the local

planning authority and the Environment Agency."

The following is an analysis of the proposed scheme versus the relevant parts (ii, iii & iv) of the draft policy:

ii) The scheme proposes 5 more dwellings than that stated in the draft policy. However, the original plans were for 42 dwellings and therefore, the applicant has responded positively by reducing the scheme. In correspondence following the last Committee meeting, the Parish Council has confirmed that, notwithstanding that the draft policy seeks to allocate the site for 35 dwellings, in the context of the pressure on local authorities to provide housing the Parish Council does not object in principle to 40 dwellings. The scheme does propose a mix of dwelling types and sizes.

In respect of the link road between the two sites, the applicant, in conjunction with the applicant for the adjoining development P/58/15/OUT, has encountered an issue concerning the ownership of the ditch which divides the sites. The ditch is unregistered land and the applicants are therefore unable to connect the sites by way of a road link.

Following further consultation by the applicant with the Parish Council, the Parish Council have provided a further response to the application and confirmed that they are satisfied with the proposal without a road link between the site. Furthermore, WSCC Highways have stated that there is no formal requirement for a vehicular link between the two sites.

However, Arun District Council have sought to ensure that the two sites are in some way connected in the interests of urban design and place-making. As a result of this negotiation process, the applicant has agreed to the safeguarding of an area of land within the site to be called upon by the Council, if required, to be laid as a footpath to facilitate the provision of a link across the ditch between the two sites. This safeguarded land will be kept available for a period of 10 years following first occupation of the first residential unit. Any subsequent link across the ditch will be constructed at a cost to the Council. In particular, the developer will:

* grant a pedestrian right of way via a footpath on the site to the application site boundary, subject to ADC procuring a CPO for crossing the ditch;
* will provide a footpath across the safeguarded area, subject to ADC procuring a CPO for crossing the ditch; and
* grant construction access rights for the Council to use the site access road for construction access, subject to ADC procuring a CPO for crossing the ditch.

These provisions will be incorporated into the proposed Section 106 legal agreement. It is considered that given the identified constraints, the above proposed resolution would ensure that an acceptable link between the sites could be provided in accordance with policy 2 of the NP.

a./b. The applicant has agreed to an Access Management Contribution of £51,000 for the purpose of delivering mitigation at Pagham Harbour. This will be achieved through a S.106 legal agreement.

c. The application incorporates reptile translocation zones together with the open space proposals. The plans have been amended since the last Committee Meeting in order to respond to comments raised. The plans show an increased reptile translocation zone to the rear of the

properties in Pagham Road. In addition, the larger proposed public open space will be located adjacent to that proposed by application P/58/15/OUT on land to the south.

d. As noted above, there is the potential for footpath connectivity to the adjoining land;

e. The application does not make any provision for a retail unit but as also noted above, the proposals do now incorporate four additional visitor parking spaces at the east end of the site to compensate for the loss of the existing on-street lay-by parking. A condition is proposed to agree the details of these spaces to ensure that they are promoted to the wider public.

(iii) The application does include 12 affordable dwellings but does not make any provision for any dwellings to be restricted to occupation by older households. However, a number of the affordable units are bungalows which are very suitable for use by older residents.

(iv) The application is accompanied by a Flood Risk Assessment which demonstrates to the satisfaction of the local planning authority & the Environment Agency, that the scheme will not increase pluvial or fluvial flood risk on any adjoining land.

Although the scheme does not fully comply with the above policy, it is important to note that it is still at a draft stage and is only one material consideration in the determination of the application. It is not considered that it would be appropriate to refuse the application on grounds of non-conformity with a draft policy. Importantly, neither the Environment Agency nor WSCC Drainage Engineer's have objected to the proposals. Furthermore conditions relating to SUDS and the requirement to agree discharge rates into surrounding watercourses are recommended and the applicant has expressed a commitment to work with the Council to ensure that the development of the site does not exacerbate any existing fluvial or pluvial flooding issues.

Concerns have been raised that the application is premature and should be refused for that reason. The National Planning Practice Guidance (PPG) gives advice on prematurity as follows:

"arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process"

On the basis of this guidance, it is also not considered that the application should be refused on grounds of prematurity.

It is noted that the Pagham NP Steering Group considers the application is for a higher density than in the draft NP. The post-amble to the draft policy states that an assessment of the appropriate housing density for this location in the parish set a range of 25-28 dwellings per ha. The proposed site density is 28.6 dph and this is not significantly different to the stated range. The majority of buildings are two storeys with only three of them being 2.5 storeys.

DESIGN, CHARACTER & LANDSCAPE:

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy GEN7(ii) requires that developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Paragraph 7 of the NPPF states that one part of the sustainable development principle is a high quality built environment and paragraph 9 expands by confirming that this is through seeking improvements to the quality of the built environment and widening choice of high quality homes. One of the 'core planning principles' at paragraph 17 is securing high quality design and a good standard of amenity.

Section 7 relates to 'requiring good design' which states good design is a key aspect of sustainable development (56), that developments should establish a strong sense of place and be visually attractive as a result of good architecture (58). Paragraph 64 confirms that permission should be refused for poor design that fails to improve the character or quality of an area.

The application was amended during the determination period in order to take account of concerns raised by both the planning officer and some of the other consultees. These changes resulted in:

* Decrease in the number of dwellings from 42-40;
* Reorganisation of the Public Open Space which previously comprised of 3 areas. The scheme now proposes 1 large area of POS with a smaller area directly opposite. The POS is also now considered to be better located for access by residents and in respect of a potential link to the site to the south;
* Retention of certain large trees previously shown to be felled;
* Bin Collection Points now better hidden in the streetscene;
* Instances of 2m high boundary treatments removed from the streetscene (i.e. previously some houses had rear gardens fronting onto the internal road layout); and
* Introduction of private amenity space (patios/balconies) to the apartments.

The applicant has provided a Development Grain plan and a Massing & Active Frontage plan to complement the previous package of drawings. The plan demonstrates that the built density of the site is lower than the surrounding townscape. The Massing & Active Frontage plan shows that although the east side of the site is predominantly two storeys, there is a mix of heights across the site and the three 2.5 storey properties are all on the west part of the site but sandwiched between two storey houses which ensures that they will not have any harmful impact in the streetscene or in the context of the surrounding area. This also shows all dwellings have active frontages that face onto roads.

The drawings demonstrate there will be a mix of dwelling types/design/heights which break up the streetscene and add visual interest. The addition of landscaping will be of benefit in this regard. It is considered that the scheme now represents a good standard of design.

It is noted that the Councils Greenspace Officer has not raised an objection. The scheme proposes the retention of a number of trees/hedges including those that provide screening or visual relief along parts of the south, north and west boundaries. The public open space provides a green transition into the boundary with the adjacent site. The addition of planting proposed to the south helps minimise visual impact from visual receptors to the southwest.

IMPACT ON THE HISTORIC ENVIRONMENT:

It is clear from the comments of the Councils Historic Buildings Adviser that the setting of the site is informed by two Listed Buildings (Inglenook Hotel & Nyetimber House) and a further building considered to be an non-designated heritage asset (249 Pagham Road).

Current policy is clear that in considering whether to grant planning permission for development that affects a listed building or its setting, it is necessary to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Since the application was last considered by the Committee, in consultation with the Historic Buildings Advisor, the applicant has amended the proposed dwelling on plot 1 to provide design that better reflects the character of the Inglenook Hotel and no. 249 Pagham Road. Having considered the revised plans the Historic Buildings Advisor has lifted their objection to the application.

The applicant has stated that "submitted photomontages indicate that there would be some limited intervisibility between the Listed Building and the proposals but that neither the proposed development nor the Inglenook Hotel would be viewed in their entirety from any one particular location. Rather, only discrete elements of each would be visible". In addition, they add: "The Inglenook already has a relationship with surrounding existing built form and this would not materially change with the proposed development in place. The scale and massing of the individual elements within the proposed development would be visually subservient to that of the Inglenook Hotel whose visual presence in the landscape/townscape would remain substantially unaltered with the proposals in place."

The proposal will alter the setting the Listed Building (particularly the Inglenook Hotel). However, the context for considering these buildings is already urban including buildings that are more modern and do not reflect the historic character of the listed building. Furthermore, in the context of the existing buildings on the application site, which are in need of some repair, this proposal represents an opportunity to enhance this section of the streetscene in Pagham Road.

The proposal will lead to less than substantial harm and therefore, paragraph 134 of the NPPF applies. This paragraph requires this (less than substantial) harm to be weighed against the public benefits of this proposal. It is considered that this scheme will bring substantial public benefits in terms of providing homes for local people, affordable dwellings, new areas of open space and mitigation for the Pagham Harbour SPA. The proposal, therefore, complies with the aims and objectives of the NPPF.

With regard to the neighbour objection regarding the loss of the existing dwelling, it is not considered that this has sufficient historic value to be considered. It is noted that the Councils Historic Buildings Adviser does not consider 251 Pagham Road to be a heritage asset.

HIGHWAYS:

Several residents have objected on highway grounds and in particular with regard to the impact on traffic congestion on Pagham Road and the loss of 5 on-street parking spaces.

Since the application was last considered by the Committee, the layout has been amended to incorporate 4 additional unallocated visitor spaces within the layout. This is a significant improvement on the previous plans. A condition is proposed to agree the details of these spaces to ensure that they are promoted to the wider public.

Following design changes and two independent Road Safety Audits, WSCC Highways raise no objection. They have no concerns with the access onto Pagham Road and aside from the removal of the layby to facilitate improved pedestrian connectivity/safety, do not require improvements to the highway. The proposed parking provision is considered to comply with WSCC Standards.

PAGHAM HARBOUR SPA/RAMSAR SITE:

Policy ENV DM2 of the Emerging Local Plan requires that residential development within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new unit was agreed by the Councils Cabinet on 20 July 2015. This contribution is required for all residential developments within Zone B. Proposals that fail to provide the contribution will be considered to be contrary to Policy ENV DM2 of the Emerging Local Plan. The applicant has agreed to this requirement and this will form part of Section 106 Legal Agreement being prepared.

The scheme proposes the creation of on-site public open spaces which helps to divert people and pets away from the Pagham Harbour area. It is noted that the adjacent site includes a proposed area of natural/semi-natural open green space on farmland to the south of Summer Lane. The financial contribution required by the application will contribute to the creation of this area and, assuming that the adjacent scheme is allowed, it will be available to residents of this site as well as the wider public.

BIODIVERSITY:

Development will need to avoid impacts on protected species on sites and where this is not possible mitigation or compensation is necessary. The presence of a protected species is a material consideration when considering a development proposal that would be likely to result in harm to the species or its habitat.

The Councils Ecologist has raised no objection to the proposals but requires a number of conditions to ensure the site is developed in accordance with the submitted mitigation/enhancement measures and that protected species are not present on site when works commence.

It is noted that two residents made objections to ecological aspects. It is clear from the comments of the Council's Ecologist that there will be no harm to the nature conservation value of the site. Whilst it is agreed that the drainage ditch is wet at certain times of the year, the ecology survey has been carried out by a qualified/chartered ecologist and checked by a similarly qualified person.

FLOOD RISK & DRAINAGE

The Draft Pagham Neighbourhood Plan Policy 2 requires that a Flood Risk Assessment (FRA) be submitted with the applications and the applicant has complied with this. The site lies within Flood Zone 1 and the report concludes there is a low or negligible risk of flooding on the site. The Environment Agency have not commented on the FRA. Nevertheless, it is not considered that resident concerns as to the adequacy of the FRA can be sustained.

The District and County Council's Drainage Engineers have assessed the proposal and have not raised objections subject to the imposition of conditions. ADC Drainage Engineers comment on the existing ditch system but are happy for it to be investigated as part of a surface water drainage condition. It is noted that there is an existing outfall issue but it has been demonstrated that the scheme will not exacerbate this issue.

Some of the resident's objections had regard to flood risk/drainage matters. It is considered that with the technical advice of the Drainage Engineers, that these objections cannot be sustained.

It is also understood that although the ditch lies outside of the ownership of either site, Council Engineers have the right to investigate the drain and also carry out any necessary repair or improvement works to it.

RESIDENTIAL AMENITY:

Arun District Local Plan Policy GEN7 indicates that planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. The NPPF states that new development should contribute positively to making places better for people.

Residents have specifically commented on the loss of light & privacy to existing dwellings; the lack of suitable screening to neighbouring properties and the impact of proposed screening in terms of light; the siting of parking spaces too close to boundaries of the Pagham Road dwellings. It should be noted that there is no right to a view and the screening of residential views is not strictly required.

These issues are discussed below.

* 239-245 Pagham Road:

Some of the dwellings will face onto a single storey flank wall (plot 33). Since the application was last considered by the Committee, the separation between the rear of these properties and the eastern elevation of plot 33 has been increased from 14.5m to 18m. This separation distance, together with the single storey height of plot 33, and the roof sloping away from the shared boundary will ensure that there is no harmful impact on the amenities of the occupiers of these

adjoining residential properties. The revised plans also show the installation of a 1.8m close boarded fence along the shared boundary together with planting. Both elements will be secured by condition.

Seven parking spaces are proposed along part of this boundary. Since the last Committee, these parking spaces have been moved further away from the shared boundary and are now 6m away (an increase of 1-2m) from the shared boundary with intervening planting which is to be secured by condition.

* 247-249 Pagham Road:

247 is around 18m from the site boundary whilst 249 is 29m away. This part of the site has parking spaces along the boundary and the two storey flank wall of plot 40. Since the application was last considered by the Committee, the parking spaces have been moved further away from the boundary to provide a separation distance of 5m rising to 6m with the stagger in the boundary. In addition, the dwelling at plot 40 has been moved further west to provide a 2.5m separation to the boundary. The boundary treatment and planting, to be secured by condition, will ensure that there will be no harmful impact on the adjoining residents. Therefore, taking into account the east - west arrangement of the proposed development to the existing dwellings, it is not considered there will be any loss of privacy or overshadowing.

* 8&9 Brooks End:

These dwellings have flank walls containing secondary windows facing the site. 9 Brooks End is 21m from the rear of plot 33 (which is single storey) whilst 8 Brooks End is 23m from the rear of plots 28-30 (all two storey). No new trees are proposed in the reptile translocation area between the new gardens and these two dwellings and there are existing fir trees in this area which will screen the site.

* 11, 15 & 17 Conifer Way (Mill Farm Park Home Estate)

These mobile homes are all single storey in height and therefore impacts will be limited particularly given the existing landscaping along the boundary. Notwithstanding the closest interface distance is 21m (between the conservatory attached to 15 and the rear of plot 15.

It is not considered there will be any unacceptable harm to residential amenity. Conditions are proposed to ensure that certain windows are obscure glazed, that no new flank windows are allowed and that permitted development rights are removed for extensions & alterations.

NOISE/LIGHT/ODOUR POLLUTION:

Arun Local Plan Policy GEN32 states that:

"Noise sensitive development will not be permitted if its users would be affected adversely by noise from existing or proposed noise-generating uses. Development which is a potential source of significant noise pollution will not be permitted unless the Council is satisfied that appropriate measures have been included in the proposal to reduce noise pollution to acceptable levels. Details of such measures will be required as part of the planning application."

Environmental Health Officers identified the Inglenook Hotel as being a source of noise and were concerned as to the impact on plot 1. The applicants submitted an acoustic report and this specifies mitigation measures. In the absence of a further response from Environmental Health, a condition has been drafted which will ensure that mitigation measures are implemented. Further Environmental Health responses and any amendments to the condition/new conditions will be subject to a report update.

Residents have raised concerns as to the potential for noise/disturbance from the new houses/cars, for light pollution from street lighting and air pollution from exhaust fumes. If this site is developed, there will be increased noise/disturbance/light pollution to existing residents. It is not considered that these impacts will result in significant harm. Street lighting will be controlled by condition and the reptile translocation area ensures there is a buffer between the existing Pagham Road/Brooks End residents and the dwellings.

IMPACT ON TREES:

The site is subject to 3 Tree Preservation Orders and all three of these as well as a number of other trees are being retained. There will be a loss of some trees but these have been subject to a tree survey undertaken by a qualified individual and this has been checked by the Councils Arboriculturalist. These trees are not considered to be worthy of protection. It is not considered that concerns as to the adequacy of the tree survey can be sustained. It is considered that the scheme minimises loss of mature trees and those to the existing boundaries and together with new landscaping, will not materially alter the amount of tree cover.

INTERNAL & EXTERNAL: SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) and also the external amenity standards, set out in Policy D DM3 of the Emerging Local Plan (publication version).

The applicant has submitted a table which details the internal/external space requirements and measurements for each plot. The scheme does not achieve 100% compliance in all respects but it is considered that a sufficient percentage of the scheme complies with the external standards. It is noted there is public open space provided on the site and that all of the apartments have an element of private space. A condition is proposed to remove permitted development rights for outbuildings for those plots which fail to meet either the garden depth or garden area standard. As noted above, it is also proposed to remove permitted development rights for extensions across the whole scheme.

In respect of the internal standards, the majority of the dwellings either meet or fall just short of the required standards. The exceptions are plots 12-18, 20-21, 21-32, 37 & 40 however, in the context of the large areas of on-site public open space, it is considered that the scheme can be supported.

SUMMARY:

It is considered that this application is now acceptable having regard to the policies of the adopted and emerging local plans and noting the content of Policy 2 of the draft Pagham Neighbourhood

Plan. The issues highlighted above are considered to either be such that no objection can be raised or are otherwise resolved. Conditions are recommended to provide further mitigation.

It is considered this application should be approved subject to conditions set out below and a S.106 legal agreement covering Affordable Housing; Public Open Space; Pagham ANOGS contribution; Primary Education; Secondary Education; 6th Form Education; Libraries; Fire & Rescue; Fire Hydrants; on-site provision of 2 hydrants; a Traffic Regulation Order; a non-adoption clause; a management company to maintain the road; and the provisions in respect of the potential future footpath link to the ditch.

However, if the S.106 legal agreement has not been signed within 3 months of the date of the resolution to approve then the application should be refused for the following reasons:

(1) The proposed development makes no contribution towards affordable housing provision and is thereby contrary to the aims and objectives of Policy DEV17 of the Arun District Local Plan 2003, Policy H SP2 of the Arun Local Plan 2011-2031 (Publication Version) and the Council's Interim Affordable Housing Policy adopted on the 18th August 2010;

(2) The application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to serve the Pagham area and the proposal is therefore not in accordance with Policy ENV DM2 of the Arun Local Plan 2011-2031 (Publication Version);

(3) The proposed development makes no contribution towards public open space or children's play equipment and is thereby contrary to the aims and objectives of Policy GEN20 and the Supplementary Planning Guidance of the Arun District Local Plan;

(4) The proposed development makes no contribution towards local infrastructure and is thereby contrary to the Policy GEN8 of the Arun District Local Plan, policy INF SP1 of the Arun Local Plan 2011-2031 (Publication Version) and the National Planning Policy Framework; and

(5) The proposed development makes no contribution towards the necessary Traffic Regulation Order and is thereby contrary to the aims and objectives of Policies GEN7 and GEN12 of the Arun District Local Plan.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

A Section 106 legal agreement is being prepared and will include the following provisions-

Affordable Housing:
Affordable housing proportion of 30% (12 units) with a tenure split of 9 x rented and 3 x intermediate housing. The Rented accommodation should be 1 or preferably 2 bed dwellings.

Public Open Space:
An area of public open space (POS) of 0.243 hectares in size and including an on-site local area play (LAP) facility. This will be subject to one of the following:

(a) a management plan for the forward maintenance of the POS & LAP which details the management regime and responsibility; or
(b) where the POS & LAP is to be handed over post practical completion, a commuted sum payment of £12,000 for future maintenance.

Pagham Area of Natural Open Green Space (ANOGS) contribution:
An "Access Management Contribution" of £51,000 for the purpose of delivering mitigatory actions at Pagham Harbour, which is a designated part of the European Natura 2000 network, arising from this development. This shall include the employment of a 0.5 FTE warden, dog project, additional signage and interpretation material and future monitoring.

WSCC Infrastructure Requirements:
Contributions in respect of-

(1) Primary Education - £92,850;
(2) Secondary Education - £99,928;
(3) 6th Form Education - £23,409;
(4) Libraries - £12,054;
(5) Fire & Rescue - £1,093; and
(6) Fire Hydrants - the on-site provision of 2 hydrants.

WSCC Highways:
(1) Contribution towards a Traffic Regulation Order to prevent parking alongside the carriageway edge in the sight line areas - £6,000.
(2) A non-adoption clause (re the road layout); and
(3) Securing of a management company to maintain the road & associated infrastructure in perpetuity.

Pedestrian Link to the Adjoining Site:

Works to facilitate a link between the application site and the Orchard Homes development site on the proviso that planning permission is granted for planning application P/58/15/OUT:

* grant a pedestrian right of way via a footpath on the site to the application site boundary, subject to ADC procuring a CPO for crossing the ditch;
* provide a footpath across the safeguarded area, subject to ADC procuring a CPO for crossing the ditch; and
* grant construction access rights for the Council to use the site access road for construction access, subject to ADC procuring a CPO for crossing the ditch.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans:

* 1:20,000 Site Location Plan Ref 0.0144_02 Rev B;
* Landscape Designations Plan Ref 0.0144_03 Rev B;
* Aerial Imagery Ref 0.0144_04 Rev B;
* Zone of Theoretical Visibility Ref 0.0144_05 Rev B;
* Landscape Features Plan Ref 0.0144_06 Rev B;
* Draft Illustrative Masterplan Ref 0.0144_07 Rev B;
* Permavoid Arboraft Urban Tree Planting System Documents 19/08/15;
* Vehicle Swept Path Analysis at Junction Ref 002 Rev G;
* Swept Path - Refuse Ref 003 Rev E;
* Swept Path - Fire Appliance Ref 004 Rev E;
* Swept Path - Pantechnicon Ref 006 Rev E;
* Surface Water Strategy Ref P/250 Rev P4;
* 1:1250 Site Location Plan Ref 11-1065-001;
* Site Survey Ref 11-1065-002;
* Site Plan Planning Layout Ref 11-1065-005 Rev K;
* Site Plan Planning Layout Coloured 11-1065-006 Rev C;
* Site Plan Surface Finishes Ref 11-1065-007 Rev C;
* Site Plan Planning Layout Parking Provision Ref 11-1065-009 Rev D;
* Plot 1 Floor Plans and Elevations Ref 11-1065-010 Rev C;
* Plots 2-3 Floor Plans and Elevations Ref 11-1065-011;
* Plots 4-6 Floor Plans and Elevations Ref 11-1065-012 Rev B;
* Plots 7-9 Floor Plans and Elevations Ref 11-1065-013 Rev B;
* Plots 10-11 Floor Plans and Elevations Ref 11-1065-014 Rev A;
* Plots 12-14 Floor Plans and Elevations Ref 11-1065-015 Rev A;
* Plots 15-17 Floor Plans and Elevations Ref 11-1065-016 Rev A;
* Plots 18-21 Floor Plans Ref 11-1065-017 Rev A;
* Plots 18-21 Elevations Ref 11-1065-018 Rev A;
* Plots 22-27 2 Bedroom Apartments Floor Plans Ref 11-1065-019 Rev C;
* Plots 22-27 2 Bedroom Apartments Elevations Ref 11-1065-020 Rev C;

* Plots 28-30 Floor Plans and Elevations Ref 11-1065-021 Rev A;
* Plots 31-33 Floor Plans and Elevations Ref 11-1065-022 Rev B;
* Plot 34 Floor Plans and Elevations Ref 11-1065-023 Rev A;
* Plots 35-37 Floor Plans and Elevations Ref 11-1065-024 Rev B;
* Plots 38-40 Floor Plans and Elevations Ref 11-1065-025 Rev A;
* Garages Floor Plans & Elevations Ref 11-1065-030 Rev B;
* Street Scenes and Site Sections Ref 11-1065-035 Rev D;
* Site Plan Massing and Active Frontage Ref 11-1065-036 Rev C;
* Site Plan Refuse Strategy Ref 11-1065-037 Rev C;
* Site Location Development Grain Information Plan Ref 11-1065-040 Rev B;
* Site Plan Garden Plot Information Ref 11-1065-041 Rev D;
* Site Plan Garage Plot Information Ref 11-1065-042 Rev A; and
* Full Plot Information Schedule November 2015 Rev B 05-11-2015.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 No windows (other than those shown on the plans hereby approved) shall be constructed in the first floor flank elevations of the dwellinghouses hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the future occupiers in accordance with policy GEN7 of the Arun District Local Plan.

4 The following proposed windows shall at all times be glazed with obscured glass and fixed to be permanently non opening or top vent opening only:

Plot 40 - first floor east facing bathroom window;
Plot 1 - first floor north facing en-suite window;
Plots 12 & 14 - first floor west facing en-suite windows; and
Plots 15 & 17 - first floor west facing en-suite windows.

Reason: To protect the amenities and privacy of the adjacent properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjacent/adjoining dwelling houses and their future occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no buildings shall be erected within the curtilages of plots 12, 13, 16, 17, 18, 19, 31, 32, 33, 34, 35, 36, 37, 38, 39 or 40 unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate amenity space in accordance with policy GEN7 of the Arun District Local Plan.

7 No development above damp proof course (DPC) level shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

8 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Prior to commencement of development, details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority [as a part of the reserved matters submissions required by condition 1]. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the National Planning Policy Framework.

9 Prior to the commencement of development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of "superfast broadband" (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To ensure suitable provision for all potential occupiers in accordance with paragraph 42 of the NPPF.

10 None of the dwellinghouses shall be occupied until refuse and recycling bins have been provided and space has been laid out for the storage of such in relation to that dwelling in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Thereafter these areas shall not be used for any purpose other than the storage of refuse and recycling bins.

Reason: In the interests of the amenity of occupiers of nearby properties in accordance

with Arun District Local Plan policy GEN7.

11 The development, hereby permitted, shall not be commenced until the access to Pagham Road and removal of layby on Pagham Road to south of proposed access point has been implemented in accordance with the approved planning drawings and to approved WSCC Highways specifications.

Reason: To ensure fit-for-purpose access constructed to appropriate design and safety standards in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

12 The development shall not be occupied until the internal road layout has been constructed in accordance with the approved plans.

Reason: To ensure fit-for-purpose roads constructed to appropriate design and safety standards in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

13 The development shall not be occupied until car parking has been provided in accordance with the approved planning layout. It shall, thereafter, be solely used for the purposes of the parking of cars.

Reason: To ensure adequate car parking for the development and to accord with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

14 The development shall not be occupied until details of the measures to ensure that the 4 proposed visitor parking spaces at the eastern end of the site are promoted to and available for general public use; are submitted to and approved by the local planning authority. The approved measures shall thereafter be implemented and permanently retained/maintained.

Reason: To ensure compensatory parking for the wider public and to accord with policies GEN7 & GEN12 of the Arun District Local Plan, the Emerging Pagham Neighbourhood Plan and the National Planning Policy Framework.

15 The development, hereby approved, shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority to prevent surface water draining onto the public highway.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

16 The development, hereby approved, shall not be occupied until a scheme for street lighting has been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

17 Prior to development commencing, a Construction Management Plan shall be submitted to and be approved in writing by the Local Planning Authority after consultation with the

Highway Authority. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

· the phased programme of construction works;
· the means of access and road routing for all construction traffic associated with the development;
· provision of wheel washing facilities and details of their operation and location;
· Details of street sweeping;
· construction working times including delivery times;
· details of a means of suppressing dust arising from the development;
· details of all proposed external lighting to be used during construction;
· details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
· details of areas to be used for the storage of plant and materials associated with the development;
· details of the temporary construction site enclosure to be used throughout the course of construction (including access gates).
· Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
· Evidence of consultation with neighbours prior to works commencing.
· Details of any temporary traffic management that may be required to facilitate the development including Chapter 8 traffic signage.

Details of how measures will be put in place to address any environmental and/or highway problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their contact details (including out-of-hours and offsite contact details) made known to all relevant parties.

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

18 The development shall not be occupied until cycle parking has been provided in accordance with plans to be submitted to and approved by the Local Planning Authority. It shall, thereafter, be maintained solely for the purpose of the parking of bicycles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

19 The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety.

20 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality and in accordance with the National Planning Policy Framework.

21 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

22 No development above damp proof course (DPC) level shall take place until the details of any proposed screen walls/fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls/fences associated with them have been erected.

Reason: In the interests of the amenity of the site and neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan.

23 All of the proposed works to trees as set out in the submitted Arboricultural Impact Assessment by "Sapling Arboriculture Ltd" shall be carried out in accordance with the following:

Crown Reduction
All side branches to be retained should be at least 1/3rd in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 100mm in diameter.

Crown Clean
The Crown Clean should consist of deadwood and stub removal where all cuts should be made to the branch collar. Where crossing branches are encountered the weaker branch/branches should be reduced or removed to avoid contact between them. The remaining branch/branches should be shortened as appropriate to relieve 'end weight' and sudden exposure by reducing the leaf bearing branch tips by no more than 30%.

Crown Lift
Branches found within the clearance height having diameters greater than 100mm should be shortened and no more than 15% of the leaf bearing growth of that branch should be removed to facilitate the unobstructed free passage of vehicles and pedestrians.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

24 No tree roots with a diameter of over 25mm shall be removed other than with the written

consent of the local planning authority and under the supervision of the Council's Arboricultural Officer.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

25 No development including site access, demolition or associated construction activities, shall take place on the site unless and until the tree retention & protection scheme as described within the submitted Arboricultural Impact Assessment by "Sapling Arboriculture Ltd" is in place for all retained trees including trees whose root protection areas fall within the construction zone from neighbouring land. The tree protection fencing including ground protection shall then be checked on-site by the Councils Arboricultural Officer. All tree protection works shall be in accordance with BS 5837:20012 "Trees in relation to construction" and shall be retained for the duration of the development works.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

26 No external lighting shall be installed on the site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

27 No demolition works shall take place to the property known as 251 Pagham Road unless a licenced ecologist is present on the site to supervise works.

Reason: In the interests of the protection of bats and their roosts in accordance with Policy GEN33 of the Arun District Local Plan.

28 The development must be carried out in accordance with the reptile mitigation and enhancement measures as set out in section 6.3 of the submitted Ecosupport "Phase I & II Ecological Surveys" Rev 10/6/15. The enhancements and mitigation measures shall be retained and thereafter maintained.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

29 Prior to development or any preparatory works commencing the reptile population shall be translocated only in accordance with the submitted reptile mitigation strategy and retained as such thereafter, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard resident reptile species in accordance with Policy GEN29 of the Arun District Local Plan.

30 No development including site access, demolition or associated construction activities, shall take place on the site unless and until a badger survey has been undertaken in order to ensure that badgers are not using the site. If a badger sett is found on the site, then the applicants shall provide a mitigation strategy to the Local Planning Authority for approval in consultation with Natural England.

Reason: To safeguard resident badgers in accordance with Policy GEN29 of the Arun District Local Plan.

31 Prior to first occupation of any of the dwellings hereby permitted, a scheme shall be submitted for approval by the local planning authority, in consultation with Natural England which details a proposed on-site dog walking route and an on-site dog off lead exercise area. Both of these measures shall then be implemented in accordance with the approved plans and retained thereafter.

Reason: In the interests of protecting the Pagham Harbour Special Protection Area and accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

32 No development shall take place within the site, until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.

33 The construction of Plot 1 must be carried out in accordance with the recommendations in respect of windows and ventilation as stated within sections 10 & 11 of the submitted BS4142 Acoustic Testing Report (27-28 April 2015). The mitigation measures shall thereafter be retained and maintained.

Reason: In accordance with Arun District Local Plan policies GEN7 and GEN32.

34 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

35 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

36 Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C697 Chapter 22.

37 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

38 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

39 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to Affordable Housing; Public Open Space; Pagham ANOGS contribution; Primary Education; Secondary Education; 6th Form Education; Libraries; Fire & Rescue; Fire Hydrants; on-site provision of 2 hydrants; a Traffic Regulation Order;

a non-adoption clause; a management company to maintain the road; and provisions relating to the safeguarding of an area of land within the site to potentially be laid as a footpath to facilitate the provision of a link across the ditch to the adjoining site.

40 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

41 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.

42 INFORMATIVE: Applications for S38 and/or S278 Agreements should be made to WSCC as Highway Authority. Full details are available on the WSCC website.

43 INFORMATIVE: Roads not forming part of the adopted highway network and/or not intended to be offered for adoption, will not be inspected by the Highway Authority during or after any construction phases. Such roads should, however, be assessed and formally signed-off or approved by a suitable Chartered civil engineer to the satisfaction of the Local Planning Authority.

44 INFORMATIVE: A Natural England Protected Species Licence will be required for the demolition works, and this will need to be obtained prior to any works taking place.

45 INFORMATIVE: Please note the following in respect of the surface water drainage conditions:

* The ditch needs significant clearance work to ensure it has capacity for a new development to drain into, and also further investigation off-site. The ditch appears to terminate at the south west corner of the site, where it may once have continued along the southern edge of the caravan site. However the only route appears to be a small pipe into the caravan park itself, slightly away from the boundary line of the park. This system needs to be investigated by the applicant, especially as it may be the only route for surface water to exit the site. We would need to know that the water coming off of the proposed development would not cause backing up or flooding of the ditch, and that the system it drains to will be able to cope with the runoff.

* A detailed design should show how roofs etc are drained and also include levels and construction details for structures. Infiltration should be utilised at the parts of the site where infiltration rates were good.

* Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest

recorded annual groundwater level identified in that location.

* Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available for information.